

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CENTRAL VALLEY EDEN
ENVIRONMENTAL DEFENDERS, LLC,

Plaintiff,

v.

BUILDING MATERIAL
DISTRIBUTORS, INC.,

Defendant.

Case No. 2:22-cv-00509-JDP

ORDER

On April 17, 2023, plaintiff filed a motion for leave to file a third amended complaint, which it noticed for hearing on May 25, 2023. ECF No. 25. To date, defendant has not filed a response to plaintiff's motion.

Under the court's local rules, a responding party is required to file an opposition or statement of non-opposition to a motion no later than fourteen days after the date it was filed. E.D. Cal. L.R. 230(c). A responding party's failure to timely file an opposition may be construed as a non-opposition to the motion. *Id.* Given that defendant has not filed an opposition to plaintiff's motion and that leave to amend should be freely given, Fed. R. Civ. P. 15(a)(2), plaintiff's motion to amend will be granted.

Accordingly, it is hereby ORDERED that:

1. The May 25, 2023 hearing on plaintiff's motion is vacated.


1 2. Plaintiff's motion for leave to file a third amended complaint, ECF No. 40, is granted.

2 3. Plaintiff shall file a copy of its third amended complaint, *see* ECF No. 40-1 at 3-40,
3 including any exhibits, within seven days of the date of this order.

4 4. Defendant shall file a response to plaintiff's third amended complaint within twenty-
5 eight days of the date of this order.

6
7 IT IS SO ORDERED.

8
9 Dated: May 9, 2023


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE